

# Congress of the United States

Washington, DC 20515

February 15, 2006

H. Marshall Jarrett, Counsel  
Office of Professional Responsibility  
950 Pennsylvania Avenue, N.W., Suite 3266  
Washington, D.C. 20530

Dear Mr. Jarrett:

Thank you for your response to the January 9, 2006 letter which requested that your office investigate the scope of the DOJ's role in relation to the domestic surveillance program initiated by the President, and investigate the answers to the following questions:

- When did DOJ first authorize the president's request for the NSA to conduct domestic surveillance without warrants? What was the process that led to that authorization?
- Did the Administration enact the surveillance initiative prior to DOJ's approval? If so, when and how was the program originally implemented?
- What is the process for reauthorizing the program and how often does reauthorization occur? Has DOJ reauthorized the program every time?
- Why did then-Acting Attorney General James Comey object in 2004 to the reauthorization of the surveillance program?
- Following Comey's refusal to sign off on the reauthorization of the surveillance program, White House Chief of Staff Andrew Card and then-White House Counsel Alberto Gonzales visited then-Attorney General John Ashcroft --for whom Comey was filling in --in the hospital as he recovered from gallbladder surgery to obtain his reauthorization of the surveillance program. According to The New York Times, Ashcroft raised objections to the program, but it is unclear whether he eventually gave his permission. Did Ashcroft reauthorize the program while in the hospital or did the White House move forward with the initiative without his approval?
- What percentage of the surveillance conducted under this presidential authorization involved communications in which both parties were located within the United States?
- What were DOJ's criticisms and justifications of the monitoring both prior to and after DOJ's audit of the program in 2004?

We are pleased that your office is "investigating the Department of Justice's role in authorizing, approving, and auditing certain surveillance activities of the NSA and determining whether such activities are permissible under existing law." We respectfully

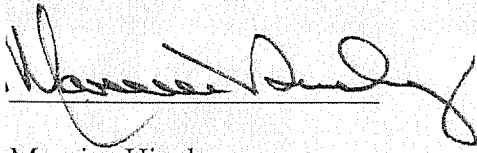
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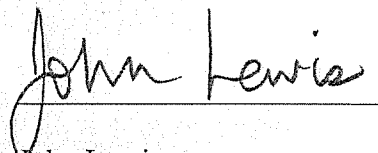
request that you provide us with the findings of your investigation immediately upon its conclusion. We are hopeful that your office will be able to shed some light on this imperative matter.

Thank you for your attention. If you are in need of additional information, please be in touch with Terra Sabag of Congressman Hinchey's office at (202) 225-6335. We look forward to your reply.

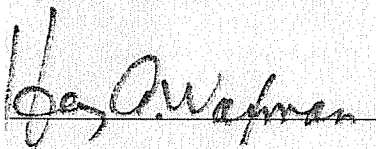
Sincerely,



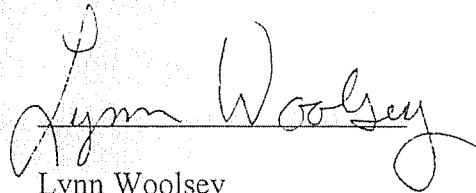
Maurice Hinchey



John Lewis



Henry Waxman



Lynn Woolsey